

## REMARKS

### Introduction

Claims 166-173 were objected to for being misnumbered and thus not complying with 37 C.F.R. § 1.126. The Examiner renumbered the claims as 166-174. Applicant's listing of claims provided above reflects the renumbering of the claims.

Claims 1-3, 5, 6, 8-14, 16, 17, 20-23, 25, 26, 28-34, 36, 37, 40-43, 45-51, 53, 54, 57-61, 63, 64, 66-72, 74, 75, 78-81, 83, 84, 86-92, 94, 95, 98-101, 103-109, 111, 112, 115-119, 121, 122, 124-130, 132, 133, 136-139, 141, 142, 144-150, 152, 153, 156-159, 161-167, 169, 170, 173 and 174 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shimada et al., U.S. Patent No. 6,396,919 (hereinafter "Shimada"). Claims 4, 7, 15, 18, 19, 24, 27, 35, 38, 39, 44, 52, 55, 56, 62, 65, 73, 76, 77, 82, 85, 96, 97, 102, 110, 113, 114, 120, 123, 131, 134, 135, 140, 143, 151, 154, 155, 160, 168, 171 and 172 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada.

Applicant has herewith amended claims 1, 59, 71, 91, 108 and 117. Each of claims 71, 91 and 108 has been amended to correct a minor typographical error. The amendments to claims 1, 59 and 117 are supported by the application as filed, e.g., at page 5, lines 7-28, page 9, lines 9-23 and page 18, lines 12-20.

The Examiner's rejections are respectfully traversed.

### The Rejection of the Independent Claims

Independent claims 1, 59 and 117 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Shimada.

Independent claims 1, 59 and 117 are directed towards a transaction system and method. At least one available transaction is registered and a transaction code is assigned to the at least one available transaction. The transaction code is publicized separately from a communication where the transaction code is accepted. At least one user is registered where registering includes recording payment information from each user. A personal identification code is assigned to each user. An aural communication including at least one of the personal identification code and the transaction code are automatically accepted. The at least one available transaction is arranged to be completed for the at least one user, including arranging to have payment collected based on the recorded payment information.

Shimada relates to a telephone transaction support system and is described as it specifically relates to banking transactions handled over telephones. When a customer of Shimada's system calls the telephone transaction support system, the customer is connected to the voice response unit 22. In order to receive the type of transaction desired by the customer, voice response unit 22 responds as follows:

". . . the voice response unit 22 gives the customer a voice message leading to input the type of transaction requested by the customer (S32). The customer who hears the voice message inputs via, a pushbutton, a number which has been assigned to the type of transaction (balance inquiry, deposit, consultation and the like) requested by the customer. The relationship between

pushbutton numbers and the kinds of transactions are stored in a memory of the voice response unit 22" (Shimada, column 10, lines 54-62).

Shimada does not explicitly state where the customer learns of the numbers to input via a pushbutton for the type of transaction desired. It seems to imply that, similar to many other telephone transaction systems, it is likely from the voice message heard prior to the input of the desired transaction.

Applicant's approach differs from Shimada at least because the "transaction code [is] publicized separately from a communication where the transaction code is accepted." As noted in applicant's specification, transaction codes may be publicized in various sources, such as in newspapers, magazines, public signs, TV screens or other visual presentations. The transaction codes may be associated with an advertisement found in one of these sources for a product the user is interested in purchasing. (See applicant's specification, page 10, lines 5-19.) It is thus from these sources that the user learns of a transaction code that the user will eventually provide during the transaction handling process (i.e., during the communication when the transaction code is accepted by the transaction system ). The publication of these transaction codes, and thus the way the user learns of these transaction codes, are notably separate from the transaction handling process. For example, a user may see an advertisement for a book the user wants to buy. In response to seeing this advertisement, the user may then use a mobile phone to send the transaction code (e.g., by text message or ordinary telephone call) to simply and

efficiently order the book without having to interact with a human agent.

As noted above, in Shimada, it is unclear how codes or numbers are provided to customers so that they can execute transactions using the telephone transaction support system. As a result, Shimada clearly does not show applicant's claimed approach. In addition, applicant submits that Shimada teaches away from applicant's approach. The teaching of Shimada is for banking transactions, where the voice response unit prompts customers with a message to input their desired transaction. Unlike the near infinite number of transactions that could be registered for products or services in applicant's approach, banking transactions are somewhat limited (e.g., balance inquiry, transfer funds, deposit funds). If anything, with this limited number of possible transactions, Shimada teaches that the voice response unit's message provides a menu with numbers corresponding to pushbuttons assigned to these possible banking transactions. The alternative of providing customers with the numbers to input for various banking transaction separate from that message would strain a customer's ability to complete these transactions and would be user-unfriendly.

Accordingly, applicant submits that for at least the foregoing reasons, independent claims 1, 59 and 117 are patentable over Shimada.

#### Dependent Claims

Applicant notes that for the rejection of dependent claims 11, 31, 48, 69, 89, 106, 127, 147 and 164 and the rejection of dependent claims 14, 34, 51, 72, 92, 109, 130, 150 and 167, the Examiner did not specify how or where

Shimada allegedly shows these claimed features (see Office Action, page 5).

In addition, for each of the rejections of the dependent claims under 35 U.S.C. § 103(a), the Examiner admits that Shimada fails to teach an aspect of the dependent claims. Rather than provide documentary evidence to support the rejection under 35 U.S.C. § 103(a), the Examiner attempts to take official notice that these features are old and well known in the art (see Office Action, page 8). Applicant respectfully traverses this assertion because the Examiner has not provided substantial evidence that these features are old and well-known.

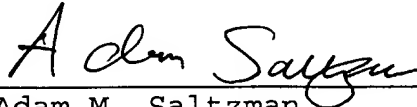
Accordingly, applicant submits that the Examiner has failed to establish a *prime facie* case in rejecting the aforementioned dependent claims.

In any event, claims 2-58, 60-116 and 118-174, which depend from one of independent claims 1, 59 and 117, are patentable for at least the same reasons that independent claims 1, 59 and 117 are patentable.

Conclusion

The foregoing demonstrates that claims 1-174 are patentable. This application is therefore in condition for allowance. Accordingly, reconsideration and prompt allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Adam Saltzman", is written over a horizontal line.

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